

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD KOLACKI,
Petitioner,

No. C 00-00251 MHP

v.

ORDER

Re: Request for Certificate of Appealability


WILLIAM DUNCAN, et al.,
Respondents.

Petitioner requests a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). Petitioner's request is DENIED because petitioner has not "made a substantial showing of the denial of a constitutional right" as required under 28 U.S.C. § 2253(c)(2). The Clerk shall forward to the court of appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

Dated:

August 22, 2008


MARILYN HALL PATEL
United States District Court Judge
Northern District of California